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|---|----------------------|------------------------|-------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/637,212             |             |
|   | Filing Date          | August 8, 2003         |             |
|   | First Named Inventor | Yoshihiro Hara et al.  |             |
|   | Art Unit             | 2812                   |             |
|   | Examiner Name        | Walter L. Lindsay, Jr. |             |
| Total Number of Pages in This Submission  |                      | Attorney Docket Number | 5077-000174 |

| ENCLOSURES (check all that apply)   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>return postcard; |
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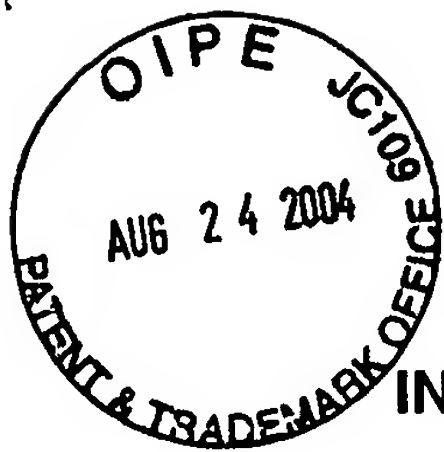
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                  |               |                   |
|--|----------------------------------|---------------|-------------------|
| Firm or Individual name                    | Harness, Dickey & Pierce, P.L.C. | Attorney Name | Gregory A. Stobbs |
| Signature                                  |                                  |               |                   |
| Date                                       | August 24, 2004                  |               |                   |

| CERTIFICATE OF TRANSMISSION/MAILING   |                   |                        |                               |
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| Typed or printed name   | Gregory A. Stobbs | Express Mail Label No. | EV 533 145 528 US (8/24/2004) |
| Signature   |                   | Date                   | August 24, 2004               |

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EV 533 145 528 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/637,212  
Filing Date: August 8, 2003  
Applicant: Yoshihiro Hara et al.  
Group Art Unit: 2812  
Examiner: Walter L. Lindsay, Jr.  
Title: Semiconductor Device and Method for Fabricating the Same  
Attorney Docket: 5077-000174

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Mail Stop Amendment  
Director of The United States Patent and Trademark Office  
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**PRELIMINARY AMENDMENT AND RESPONSE TO ELECTION OF INVENTIONS**

Sir:

In response to the Office Action mailed July 26, 2004, Applicants elect Group II as set forth on page 6. In addition, please amend the application as follows and consider the remarks set forth below.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 6 of this paper.